

2017/0735

Reg Date 14/08/2017

Chobham

**LOCATION:** LAND AT CHOBHAM ADVENTURE FARM, BAGSHOT ROAD, CHOBHAM, WOKING, GU24 8DB

**PROPOSAL:** Siting of store, container store and hard standing, and use of land for car washing facility (Sui Generis) (retrospective). (Additional Information - Rec'd 18/10/2017) (Amended plans recv'd 6/11/17).

**TYPE:** Full Planning Application

**APPLICANT:** Mr Karaj  
ASK Chauffeurs Limited

**OFFICER:** Duncan Carty

**This application would normally be determined under the Council's Scheme of Delegation, however, it has been called in for determination by the Planning Applications Committee at the request of Cllr Tedder.**

## **RECOMMENDATION: REFUSE**

### **1.0 SUMMARY**

- 1.1 This retrospective application relates to part of a former nursery site on the south side of Bagshot Road, west of the settlement of Chobham and located in the Green Belt. The proposal relates to the retention of a store, container store and hardstanding and the use of land for a car washing facility.
- 1.2 There is no objection to the proposal in respect of residential amenity and highways. However, the proposal is inappropriate development in the Green Belt for which there are no very special circumstances to outweigh this harm. In addition, the proposal has the potential to contaminate nearby watercourses. As such, the application is recommended for refusal.

### **2.0 SITE DESCRIPTION**

- 2.1 The application site is part of a former nursery site, previously known as The Horticultural Nursery, located on the south side of Bagshot Road, west of the settlement of Chobham. The 0.12 hectare site falls within the Green Belt. The land includes a store building, liquid container store (used as a staff rest area) and hardstanding area all provided for the use; as well as a tank previously provided for the irrigation of the former horticultural use. The site lies between the residential properties, Prestons and Chobham Vicarage, and lies in front of the Chobham Adventure Farm park and landscape businesses. The land to the north of Bagshot Road is relatively open and the front boundary with Bagshot Road defined by hedging.

### **3.0 RELEVANT PLANNING HISTORY**

- 3.1 There is no relevant planning history for the application site. However, the site forms a part of a wider site for which the following planning history, which have a different applicant, is relevant:
- 3.2 SU/14/0325 - Erection of two replacement buildings to provide new reception and animal buildings ancillary to a wider use of the site as a farm park. Approved in July 2014.
- 3.3 SU/14/1033 - A minor material amendment to planning permission SU/14/0325 to allow alterations to the siting of the reception and animal buildings. Approved in January 2015 and partly implemented.
- 3.4 SU/17/0437 - Provision of outdoor play equipment (part retrospective). Currently under consideration.

### **4.0 THE PROPOSAL**

- 4.1 The retrospective proposal relates to the retention of a store, container store and hardstanding and use of land for car washing facility. The store measures 2.4 by 2.4 metres in area with a low pitch roof to a maximum height of 2.5 metres. The container store measures 2.4 by 6.1 metres with a flat roof over to a maximum height of 2.4 metres; and is used as a shelter from the elements. These structures face into the site (i.e. towards the south) and the proposal also provides a hardstanding area for car washing of 15 by 8 metres, with a drain in the middle, located in front of these structures. Further hardstanding is provided within the application site to provide the access to the proposal. Whilst the site has no allocated parking, users of the facility are likely to park on the adjoining (unauthorised) parking area. The proposal includes the use of pressure washers and vacuum cleaners.
- 4.2 The applicant has indicated that it is understood that the proposal replaces a storage use on the site, including the storage of containers and machinery associated with a fork truck lift hire company. However, this use would have been unauthorised for which its lawful status has not been proven. In support of the application, the applicant has provided a noise assessment report.

### **5.0 CONSULTATION RESPONSES**

- 5.1 County Highway Authority No objections.
- 5.2 Chobham Parish Council An objection is raised on the grounds of inappropriateness in the Green Belt, overdevelopment of the site; and impacts on drainage, residential amenity and highway safety. Signage needs to be controlled.
- 5.3 Environmental Health No objections.
- 5.4 Drainage Engineer An objection is raised on the lack of information concerned the adequacy of the foul water connection and any resulting impact of any waste water from the proposal on nearby watercourses.

## 6.0 REPRESENTATION

- 6.1 At the time of preparation of this report, three representations of objection raising the following objections:
- Retrospective nature of the proposal [*Officer comment: This would not be a reason to refuse this refuse this application*].
  - Noise impact [*See paragraph 7.4*].
  - Increase in traffic [*See paragraph 7.5*].
  - Current hours of opening (08:00 to 19:00 hours Mondays to Sundays) [*Officer comment: If minded to approve limitations on hours of operation would be imposed*].
  - No very special circumstances to allow in the Green Belt [*See paragraph 7.3*].
  - The applicant indicating that there is no service which currently exists is disputed with hand and mechanical car wash facilities at the Esso Garage (High Street Chobham) currently in operation [*See paragraph 7.3*].
- 6.2 At the time of preparation of this report, one representation in support making the following comments:
- It will bring added custom to the area and provide job opportunities.

## 7.0 PLANNING CONSIDERATION

- 7.1 The application is considered against Policies CP1, CP11, CP12, DM9, DM10 and DM11 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 (CSDMP); and the National Planning Policy Framework (NPPF). Advice within the national Planning Practice Guidance is also relevant.
- 7.2 The main issues to be considered are as follows:
- Impact on character and the Green Belt;
  - Impact on residential amenity;
  - Impact on highway safety; and
  - Impact on drainage.

### 7.3 Impact on character and the Green Belt

- 7.3.1 Paragraph 17 of the NPPF indicates that one of the core planning principles which underpins decision-making includes the protection of the Green Belt and recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.
- 7.3.2 Paragraph 89 of the NPPF states that the construction of new buildings should be regarded as inappropriate in the Green Belt; with a number of exceptions. Paragraph 90 of the NPPF indicates that engineering operations would not be inappropriate in the Green Belt, so long as they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt.

- 7.3.3 The applicant has indicated that the site is “previously developed land” due to the former commercial uses on the site (a fork truck hire company); and therefore the applicant considers that the exceptions to inappropriate development applies i.e. for the partial redevelopment of previously developed land (on the basis that such development would not have a greater impact on the openness of the Green Belt and the purposes for including land within it). However, the authorised use is as nursery land, which is not defined in Annex 2 of the NPPF as previously developed land.
- 7.3.4 In the officer's opinion, the current proposal does not fall within any of these exceptions and is therefore regarded as inappropriate development in the Green Belt. Paragraphs 87 and 88 of the NPPF indicates:
- “As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except on very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. “Very special circumstances” will not exist unless the potential harm to the Green Belt by reason of its inappropriateness, and any other harm, is clearly outweighed by other considerations.”*
- 7.3.5 The proposal provides built development and a commercial use which is incongruous with the rural character of the immediate area. The buildings and activity associated with the use have an adverse visual impact on the rural character of the area and have an adverse impact on openness. The buildings have a utilitarian appearance at odds with its rural setting. Whilst views from the public highway of these structures are limited (by boundary hedging), these structures are clearly visible from within the open part of the site i.e. from the west, east and south. As such, the proposal has demonstrable harm on the Green Belt.
- 7.3.6 The applicant has put forward very special circumstances to support this proposal, summarised as follows:
- The proposal provides socio-economic benefits by supporting the economic growth in a rural area creating jobs for three employees who live in the area;
  - The proposal is primarily used by local residents and visitors to the Chobham Adventure Farm and provides a different function to the Esso garage (located within the settlement of Chobham);
  - The buildings are small in scale and temporary in nature;
  - Reduction in impact when compared to former fork lift truck hire use; and
  - The buildings are located close to the site boundaries and are well screened.
- 7.3.7 It is not considered that significant weight can be afforded to the low level of employment provided by the proposal and the fact that there is no similar facility in very close proximity would not be a significant reason to justify the proposal. As indicated above, the Esso garage, located about 600 metres from the application site, provides a car wash facility within the Chobham village. It is noted that the facility may be conveniently more situated for users of the Adventure Farm and some local residents, it is not considered however, that this facility is used solely by such users; and custom from other sources is possible (and could not be restricted).

- 7.3.8 The fork lift hire use, as indicated in Paragraph 4.2 above, is not an authorised former use of the site, and is not proven through a lawful development certificate. From aerial photography records held by the Council, it is not considered that the required time period (10 years) of such a use can be demonstrated, so any reduction in impact between that use and the current use (under this proposal) has little weight.
- 7.3.9 The planning application is for a permanent use and the temporary nature of the buildings relates to the quality of the structures provided which, it is presumed, will deteriorate in time further impacting on visual harm, as indicated in Paragraph 7.3.2 above.
- 7.3.10 It is considered that, taken individually or cumulatively, the applicant's reasoning does not amount to very special circumstances to outweigh the harm to the Green Belt as identified in Paragraph 7.3.2 above. As such, an objection is raised on the impact of the proposal on the countryside character grounds and impact on the Green Belt with the proposal failing to comply with Policy DM9 of the CSDMP and the NPPF.

#### **7.4 Impact on residential amenity**

- 7.4.1 Paragraph 17 of the NPPF states that planning decisions should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Policy DM9 states that development will be acceptable where it respects the amenities of the occupiers of neighbouring properties and uses.
- 7.4.2 The proposal has been supported by a noise report. The Senior Environmental Health Officer has indicated that the report demonstrates that the car wash facility operates to a rating level of at least 6 decibels below the lowest daytime background level at the nearest residential property and that the noise within the gardens do not exceed the relevant external amenity noise level as a result of its operation. Such a rated level of noise is an indication that the facility has a low impact on neighbouring properties and no objections are raised on these grounds. In addition, any concerns about hours of operation could be controlled by condition, if minded to approve.
- 7.4.3 The proposed structures are set some distance from any residential boundary and, noting their size and the heavy vegetation at such boundaries, has a limited impact on residential amenity.
- 7.4.4 As such, the proposal is considered acceptable on these grounds, complying with Policy DM9 of the CSDMP and the NPPF.

#### **7.5 Impact on highway safety**

- 7.5.1 The proposal provides a facility which increases traffic generation near to the site accessing the shared access point onto Bagshot Road. The County Highway Authority has raised no objections to the proposal indicating that the majority of the customers would already be using the Adventure Farm and therefore only generate some pass-by trips. The car wash utilises the existing access to the Adventure Farm and there appears to be sufficient space for vehicles to turn so as to exit the site in forward gear. It is considered that the development has no significant impact on the adjoining public highway and therefore no objections are raised by that Authority.
- 7.5.2 As such, no objections are raised on highway safety grounds with the proposal complying with Policies CP11 and DM11 of the CSDMP and the NPPF.

## **7.6 Impact on drainage**

7.6.1 Paragraph 120 of the NPPF indicates that to prevent unacceptable risks from pollution, planning decisions should ensure that new development is appropriate for its location. The PPG indicates that waste water from development should use the foul water system. No details of the connections to the foul drainage system have been provided and the Council's Drainage Engineer has raised an objection indicating that any area used for washing vehicles should be wholly contained and drained into a suitable drainage connection and the landowner will be liable for any contamination of nearby watercourses that is attributed to this land for vehicle wash. As such, an objection is raised to the proposal with proposal failing to comply with guidance in the PPG and the NPPF.

## **7.7 Other matters**

7.7.1 The application site lies adjacent to a large car park provided for the Adventure Farm and other users (e.g. landscape contractors) but the proposal is not connected to these operations. The car park is unauthorised and it is currently being considered separately outside of this application.

7.7.2 There have been complaints concerning signage at the site access. This signage is unauthorised and requires formal consent. However, this is an area of special control and advertisements have had an urbanising effect upon the rural character and the Green Belt. As such, this signage is unlikely to be supported by the Local Planning Authority. Their removal is currently being sought; and if this is not forthcoming, then consideration will be given to the expediency of taking enforcement action (see Informative 1).

## **8.0 CONCLUSION**

8.1 The current proposal is considered to be acceptable in terms of its impact on local residential amenity and highway safety. However, the proposal is considered to be unacceptable in terms of its impact on countryside character and the Green Belt. The application is recommended for refusal.

## **9.0 ARTICLE 2(3) DEVELOPMENT MANAGEMENT PROCEDURE (AMENDMENT) ORDER 2012 WORKING IN A POSITIVE/PROACTIVE MANNER**

In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of paragraphs 186-187 of the NPPF. This included the following:

- a) Provided or made available pre application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.
- b) Provided feedback through the validation process including information on the website, to correct identified problems to ensure that the application was correct and could be registered.

## **10.0 RECOMMENDATION**

REFUSE for the following reason(s):-

1. The proposal by reason of its size and appearance of the buildings and activity of the site, including the cleaning operations and comings and goings at the site, constitutes inappropriate development harmful to the openness of the Green Belt and countryside character. No very special circumstances have been provided which clearly outweigh the harm. As such, the proposal fails to comply with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.
2. It has not been demonstrated that a suitable foul drainage connection has been provided for the use and without an agreed connection the current activities could lead to contamination of nearby watercourses failing to comply with the National Planning Policy Framework and advice within the Planning Practice Guidance.

### Informative(s)

1. Signage to support the business has been provided at the site access. The applicant is strongly advised to remove the unauthorised signage without delay as the display of an unauthorised advert is an offence under section 224 of the Town and Country Planning Act 1990 (as amended) and can result in prosecution.